

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

VINCENT EDWARD TURNER,

Petitioner,

vs.

HOWARD SKOLNIK, *et al.*,

Respondents.

3:09-cv-00219-RCJ-RAM

ORDER

This is a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, in which petitioner, a state prisoner, is represented by counsel, Mary Beth Gardner, Esq.

On September 20, 2010, the court granted respondents' motion to dismiss and administratively closed this case because of petitioner's pending post-conviction petition in state court. (ECF No. 36.) The court advised the petitioner that he may, within thirty days of the resolution of his state court matter, file a motion to reopen this case in which he must address any relevant statute of limitations issues. On May 4, 2011, petitioner, acting in *pro se*, filed a motion to reopen this case. (ECF No. 38.) Respondents opposed this motion, arguing that petitioner failed to address the statute of limitations issues as ordered by the court. (ECF No. 39.) On several occasions, petitioner sought clarification from the court on the status of his court-appointed counsel. (ECF Nos. 37, 40, 41.)

On December 7, 2011, the court ordered petitioner to file a status report, through counsel, advising the court of the current status of petitioner's petition in state court and the current status of the instant case. (ECF No. 43.)

On January 13, 2012, petitioner's counsel filed a status report stating that she had suffered a pulmonary embolism in early 2011 and remained in a coma for eleven days, which resulted in her taking

1 a hiatus from the practice of law for a substantial period of time. (ECF No. 47.) Counsel states that she
2 is in the process of returning to the practice of law and seeks to file an amended motion to reopen this
3 case that addresses the statute of limitations issues. Counsel requests thirty days to file and amended
4 motion to reopen this case and requests that the motion be considered timely filed because of petitioner's
5 timely *pro se* motion to reopen.

6 It appears that petitioner's state court proceedings concluded on April 6, 2011. (ECF No. 39 Ex.
7 1.) Petitioner's *pro se* motion to reopen this case with filed within thirty days of this date, on May 4,
8 2011, as required by the court. In light of petitioner's counsel's serious health event, and in the interests
9 of justice, the court allows petitioner thirty days from the date of this order to file an amended motion
10 to reopen through counsel. This motion will be considered timely filed by the court. The amended
11 motion to reopen must address any relevant statute of limitations issues.

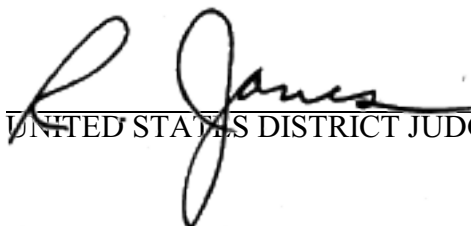
12 **IT IS THEREFORE ORDERED** that petitioner **SHALL** file an amended motion to reopen this
13 case within **thirty (30) days** of the date of entry of this order.

14 **IT IS FURTHER ORDERED** that petitioner's *pro se* motion to reopen case (ECF No. 38) is
15 **DENIED** without prejudice.

16 **IT IS FURTHER ORDERED** that petitioner's *pro se* motion to clarify that he is represented
17 by counsel (ECF No. 41) is **GRANTED**. Petitioner is represented by Mary Beth Gardner, Esq.

18 **IT IS FURTHER ORDERED** that petitioner's *pro se* motion to compel counsel to contact him
19 (ECF No. 45) is **DENIED without prejudice**. Petitioner may renew this motion in the future if
20 necessary.

21 DATED this 15th day of February, 2012.

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23 
24 UNITED STATES DISTRICT JUDGE
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